

United States Department of Agriculture

SERVICE AND REGULATORY ANNOUNCEMENTS

BUREAU OF CHEMISTRY

SUPPLEMENT

N. J. 14401-14450

[Approved by the Secretary of Agriculture, Washington, D. C., November 6, 1926]

NOTICES OF JUDGMENT UNDER THE FOOD AND DRUGS ACT

[Given pursuant to section 4 of the food and drugs act]

14401. Adulteration and misbranding of feed. U. S. v. The Kansas Flour Mills Co. Plea of guilty. Fine, \$250. (F. & D. No. 19671. I. S. Nos. 6311-v, 6312-v, 6313-v, 17980-v, 19823-v, 19824-v.)

On March 31, 1926, the United States attorney for the Western District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Kansas Flour Mills Co., a corporation, trading at Kansas City, Mo., alleging shipment by said company, in violation of the food and drugs act, in various consignments, on or about December 17, 18, 19, 20, 22, and 31, 1924, respectively, from the State of Missouri into the State of Arkansas, on or about January 13, 1925, from the State of Missouri into the State of Iowa, and on or about February 14, 1925, from the State of Missouri into the State of Tennessee, of quantities of feed which was adulterated and misbranded. The article was labeled in part: "Gray Wheat Shorts And Wheat Screenings" (or "Wheat Grey Shorts & Screenings" or "Grey Shorts & Wheat Screenings") "The Kansas Flour Mills Company Kansas City, U. S. A." (or "Kansas City, Mo.").

Adulteration of the article was alleged in the information for the reason that a product of the nature of brown shorts and screenings had been substituted for the said article.

Misbranding was alleged for the reason that the statements, to wit, "Gray Wheat Shorts And Wheat Screenings," "Wheat Grey Shorts & Screenings," or "Grey Shorts & Wheat Screenings," borne on the respective labels of the product, were false and misleading, in that the said statements represented that the article was composed wholly of grey wheat shorts and wheat screenings, or wheat grey shorts and screenings, or grey shorts and wheat screenings, as the case might be, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it consisted of the above named ingredients, whereas it did not so consist but did consist of a product of the nature of brown shorts and screenings.

On May 11, 1926, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$250.

W. M. JARDINE, *Secretary of Agriculture.*

14402. Adulteration and misbranding of tomato sauce. U. S. v. 11 Cases of Tomato Sauce. Default decree of forfeiture and destruction. (F. & D. No. 19454. I. S. No. 13411-v. S. No. E-5088.)

On January 2, 1925, the United States attorney for the Eastern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 11 cases of tomato sauce, remaining unsold in the original

packages at Brooklyn, N. Y., alleging that the article had been shipped by A. Morici & Co., San Francisco, Calif., September 23, 1924, and transported from the State of California into the State of New York, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: (Can) "Naples Style Tomato Sauce Salsa Di Pomodoro Contadina Brand * * * Packed by Hershel Cal. Fruit Prod. Co. San Jose, Cal."

Adulteration of the article was alleged in the libel for the reason that an artificially colored tomato paste or sauce had been substituted wholly or in part for the said article.

Misbranding was alleged for the reason that the statement "Tomato Sauce" was false and misleading and deceived and misled the purchaser when applied to a tomato paste containing artificial color not declared upon the label.

On June 18, 1926, no claimant having appeared for the property, judgment of forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

W. M. JARDINE, *Secretary of Agriculture.*

14403. Adulteration and misbranding of evaporated apples. U. S. v. Eugene B. Holton. Plea of guilty. Fine, \$25 and costs. (F. & D. No. 18321. I. S. Nos. 1836-v, 1843-v, 1844-v, 1845-v.)

On April 15, 1924, the United States attorney for the Western District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Eugene B. Holton, Webster, N. Y., alleging shipment by said defendant, in violation of the food and drugs act as amended, on or about February 9, 1923, from the State of New York into the State of Massachusetts, and on or about February 10 and 24, and March 9, 1923, respectively, from the State of New York into the State of New Hampshire, of quantities of evaporated apples which were adulterated and misbranded. A portion of the article was labeled in part: "Net Weight 15 Ounces Holton Brand Fancy Evaporated Apples Packed By E. B. Holton * * * Webster, N. Y." The remainder of the said article was labeled in part: "Apples Profile Brand Fancy Evaporated Apples * * * Contents 15 Oz. When Packed."

Adulteration of the article was alleged in the information for the reason that a substance, to wit, water, had been mixed and packed therewith so as to lower and reduce and injuriously affect its quality and strength, and in that excessive water had been substituted in part for evaporated apples, which the said article purported to be.

Misbranding was alleged for the reason that the statements "Evaporated Apples" and "Net Weight 15 Ounces" or "Contents 15 Oz.," as the case might be, borne on the packages containing the article, were false and misleading, in that the said statements represented that the article consisted wholly of evaporated apples and that each of the packages contained 15 ounces thereof, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it consisted wholly of evaporated apples and that each of the said packages contained 15 ounces thereof, whereas the said article did not consist wholly of evaporated apples but did consist in part of excessive water, and each of the packages did not contain 15 ounces of the article but did contain a less amount. Misbranding was alleged for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On March 10, 1926, the defendant entered a plea of guilty to the information, and the court imposed a fine of \$25 and costs.

W. M. JARDINE, *Secretary of Agriculture.*

14404. Adulteration of walnut meats. U. S. v. 4 Cases, et al., of Walnut Meats. Default decree of destruction entered. (F. & D. No. 17304. I. S. Nos. 8191-v, 8192-v, 8193-v. S. No. W-1322.)

On February 23, 1923, the United States attorney for the District of Utah, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 9 cases of walnut meats, at Provo, Utah, alleging that the article had been shipped by the Sanitary Nut Shelling Co., from Los Angeles, Calif., in two consignments, on or about December 12 and 27, 1922, and trans-